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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Western Sahara

Working paper prepared by the Secretariat

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I. Report and good offices of the Secretary-General

1. Pursuant to General Assembly resolution 63/105, the Secretary-General submitted to the Assembly at its sixty-fourth session a report on the question of Western Sahara (A/64/185). The report covered the period from 1 July 2008 to 30 June 2009 and reviewed the activities carried out by the Secretary-General in the exercise of his good offices.

2. Also during the period under review, the Secretary-General submitted a report to the Security Council on the situation concerning Western Sahara (S/2009/200 and Corr.1) pursuant to Security Council resolution 1813 (2008).

3. In that resolution, the Security Council, having considered the report of the Secretary-General (S/2008/251), endorsed the recommendation in the report that realism and a spirit of compromise by the parties were essential to maintain the momentum of the process of negotiations. The Council called upon the parties to continue to show political will and work in an atmosphere propitious for dialogue in order to enter into a more intensive and substantive phase of negotiations, thus ensuring implementation of resolutions 1754 (2007) and 1783 (2007) and the success of negotiations; and affirmed its strong support for the commitment of the Secretary-General and his Personal Envoy towards a solution to the question of Western Sahara. The Council went on to call upon the parties to continue negotiations under the auspices of the Secretary-General without preconditions and in good faith, taking into account the efforts made since 2006 and subsequent developments, with a view to achieving a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noting the role and responsibilities of the parties in that respect. The Council decided to extend the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 30 April 2009.

4. Pursuant to Security Council resolution 1813 (2008), the Secretary-General submitted a report dated 13 April 2009 to the Security Council (S/2009/200 and Corr.1). In that report, the Secretary-General informed the Council that, following the end of the mandate of his Personal Envoy, Peter van Walsum, in August 2008, the Secretariat had held numerous discussions with the parties and other interested actors regarding a fifth round of negotiations. In September 2008, the Secretary-General had met with the Minister for Foreign Affairs and Cooperation of Morocco, Taïb Fassi Fihri, and had discussed with him how best to move the negotiating process forward. The Under-Secretary-General for Political Affairs, B. Lynn Pascoe, had visited Morocco on 14 and 15 October 2008 for further discussions on the issue. On 4 November, the Secretary-General had met with the Secretary-General of the Frente Popular para la Liberación de Saguía el-Hamra y Río de Oro (Frente Polisario), Mohamed Abdelaziz. At those meetings, the Secretary-General had reiterated to the parties the commitment of the United Nations to pursuing the process of negotiations as mandated by the Security Council and had emphasized the fact that future negotiations would build on the progress made in the four rounds of talks held in Manhasset, New York, United States of America, and that his new Personal Envoy would be guided by Council resolution 1813 (2008) and earlier resolutions. The Personal Envoy would also take into account the progress made to

date in the quest to achieve a just, durable and mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara.

5. In January 2009, the Secretary-General appointed Christopher Ross as his new Personal Envoy. Since then, Mr. Ross has held consultations with representatives of Morocco and the Frente Polisario, as well as with representatives of the neighbouring countries, Algeria and Mauritania, and with other interested countries. From 17 to 28 February and from 22 June to 1 July 2009, he undertook two missions to the region for in-depth consultations with the parties and neighbouring States on ways to move the process of negotiations into a more intensive and substantive phase. In addition, the Personal Envoy visited the capitals of Spain, France and the United States as members of the Group of Friends of Western Sahara for consultations on the negotiations. Subsequent to his exploratory visits to the region, the Personal Envoy informed the Secretary-General that, during his meetings in Rabat, Tindouf, Nouakchott and Algiers, all of his interlocutors had confirmed their commitment to cooperating with the United Nations with a view to reaching a solution to the issue of Western Sahara as soon as possible, as a prerequisite for the stability, integration and development of the region and for the return of the Western Saharan refugees to normal life. The Personal Envoy informed the Secretary-General that the positions of the parties had not changed since the fourth round of negotiations, held in Manhasset from 16 to 18 March 2008, and remained far apart on ways to achieve a just, lasting and mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara, as called for by the Security Council (see S/2008/251, para. 43).

6. As for maintenance of the ceasefire, the Secretary-General informed the Security Council that, overall, the situation remained calm in the Territory and that MINURSO continued to enjoy good relations with the parties. Violations of military agreement No. 1 by both parties, excluding those pertaining to the freedom of movement of MINURSO military observers, had decreased. MINURSO had observed and recorded 11 new violations by the Royal Moroccan Army, a slight decrease compared with the 14 recorded between April 2007 and April 2008, and 7 new violations by the Frente Polisario, a significant decrease compared with the 22 recorded during the same period in 2007-2008. There had been no change in the status of long-standing violations by both sides since the previous report of the Secretary-General to the Council (S/2008/251).

7. With regard to humanitarian activities and efforts led by the Office of the United Nations High Commissioner for Refugees (UNHCR) and the World Food Programme (WFP), the provision by WFP of 125,000 monthly general feeding rations to Western Saharan refugees continued, along with school feeding and supplementary feeding for malnourished children under five years old and for pregnant women and nursing mothers. Despite those efforts, a nutrition assessment study conducted in May 2008 by WFP and Médicos del Mundo, a Spanish non-governmental organization, had revealed that malnutrition remained a major problem in the camps. Following an inter-agency initiative to develop a nutrition strategy, WFP and UNHCR had launched a joint mission aimed at enhancing the impact of their nutrition interventions.

8. With regard to confidence-building measures, between April 2008 and March 2009, 36 round-trip family visits had been conducted, and 1,114 persons had travelled to the refugee camps near Tindouf, while 1,088 had travelled to cities in

the Territory west of the berm. The free-of-charge telephone service between the refugees in the Tindouf camps and their family members in the Territory continued to be provided through telephone centres in four refugee camps. Between January 2004 — when the service was launched — and March 2009, more than 105,705 telephone calls had been made. Following the talks held between the representatives of Morocco and the Frente Polisario in Manhasset in March 2008, and pursuant to Security Council resolution 1813 (2008), UNHCR had embarked on a process of negotiations with the concerned parties with a view to expanding family visits through land transportation. To that end, UNHCR was seeking the agreement of the Frente Polisario and Morocco, as well as of the Government of Algeria, on road transportation modalities. UNHCR was also considering the introduction of additional activities, including joint summer camps for children from the Territory and the refugee camps, as well as the exchange of family visits on special social occasions, such as weddings, funerals and the hajj. UNHCR had made several proposals to the parties and kept the donor community involved. The proposal to expand the programme of confidence-building measures came in response to the frustration expressed by the beneficiaries with regard to the relatively limited capacity of the present programme.

9. As for human rights, international non-governmental organizations concerned with human rights and other sources had reported the alleged harassment and arrest of Western Saharan human rights and political activists, and had pointed to incidents where the rights to freedom of expression, association and assembly appeared to have been compromised by Moroccan authorities in the Territory. During the period under review, the Secretary-General of the Frente Polisario wrote to the Secretary-General on a number of occasions to express concern about alleged violations of the human rights of Western Saharans in the Territory. In addition, the Moroccan media reported alleged human rights abuses in the Western Saharan refugee camps near Tindouf. On several occasions, in meetings with senior United Nations officials, Moroccan interlocutors expressed concern about the deteriorating humanitarian situation of the refugees in the Tindouf camps and the alleged violations of their human rights.

10. In his observations and recommendations, the Secretary-General welcomed the commitment of the parties to continuing the process of negotiations as stated in the final communiqué issued at their fourth round of talks, held in March 2008 in Manhasset, a position which was reiterated in the meetings held with the Personal Envoy during his visits to the region in February and June 2009. The Personal Envoy suggested to the parties that one or more small, informal preparatory meetings be held. The parties indicated their agreement with that approach and the first informal meeting had been scheduled for 9 to 12 August 2009 in Austria.

11. A communiqué issued after those informal talks had indicated that, at the invitation of the Personal Envoy of the Secretary-General, delegations from Morocco and the Frente Polisario had met for in-depth discussions in Duernstein, Austria, on 10 and 11 August 2009, in accordance with Security Council resolution 1871 (2009). The discussions had taken place in an atmosphere of serious engagement, frankness, and mutual respect. The parties had reiterated their commitment to continuing their negotiations as soon as possible, and the Personal Envoy would fix the date and place of the next meeting in consultation with the parties. Delegations from the neighbouring States, Algeria and Mauritania, had also

been present at the opening and closing sessions and had been consulted separately during the discussions.

12. On 2 February 2010, the Secretary-General issued a statement in which he said that he was pleased that the parties had agreed to the proposal made by his Personal Envoy that the next set of informal talks on Western Sahara be held on 10 to 11 February 2010. The Secretary-General encouraged the parties to make further progress and urged focused and productive discussions.

13. The meeting, which was based on the guidance provided by Security Council resolution 1871 (2009) and earlier resolutions, had been held in Westchester County, New York, United States of America, on the dates planned. A communiqué issued following those informal talks had indicated that, at the invitation of the Personal Envoy of the Secretary-General, delegations from Morocco and the Frente Polisario had met for a second round of informal talks on 10 and 11 February 2010, in Westchester County, in accordance with Security Council resolution 1871 (2009). Delegations from the neighbouring States, Algeria and Mauritania, had also been present at the opening and closing sessions and had been consulted separately during the discussions. As had been the case in the first informal talks held in August 2009, the discussions had taken place in an atmosphere of serious engagement, frankness, and mutual respect. The proposals of the two parties had again been presented and discussed. By the end of the meeting, neither party had accepted the proposal of the other as the sole basis of future negotiations. The parties had reiterated their commitment to continuing their negotiations as soon as possible. To that end, the Personal Envoy intended to travel to the region to consult further with the parties and other stakeholders.

14. The United Nations High Commissioner for Refugees, António Guterres, visited Algeria (Algiers and Tindouf), Morocco (Rabat) and Western Sahara (Laayoune) from 8 to 12 September 2009. During that visit, he secured agreement to expand confidence-building measures for Sahrawi refugees from Western Sahara, specifically with regard to a UNHCR proposal to allow people to travel overland, rather than by air only, for family visits.[1]

II. Consideration by the Security Council

15. After consideration of the report of the Secretary-General on the situation concerning Western Sahara (S/2009/200 and Corr.1), on 30 April 2009, the Security Council unanimously adopted resolution 1871 (2009), in which it called upon the parties to continue to show political will and work in an atmosphere propitious for dialogue in order to enter into a more intensive and substantive phase of negotiations, thus ensuring implementation of resolutions 1754 (2007), 1783 (2007) and 1813 (2008) and the success of negotiations, and affirmed its strong support for the commitment of the Secretary-General and his Personal Envoy towards a solution to the question of Western Sahara. The Council also called upon the parties to continue negotiations under the auspices of the Secretary-General without preconditions and in good faith, taking into account the efforts made since 2006 and subsequent developments, with a view to achieving a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the

[1] UNHCR official website, http://www.unhcr.org/4aaf6edc6.html, accessed on 3 March 2010.

people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noting the role and responsibilities of the parties in that respect. The Council decided to extend the mandate of MINURSO until 30 April 2010.

III. Consideration by the General Assembly

16. During the general debate at the sixty-fourth session of the General Assembly, a number of representatives referred to the question of Western Sahara in their statements. During the debate in the Special Political and Decolonization Committee (Fourth Committee), held from 7 to 14 October 2009, a number of Member States also made reference to the question of Western Sahara.

17. At its 6th meeting, on 9 October 2009, the Fourth Committee heard statements on Western Sahara by the following Member States: Algeria, Benin, Bolivia (Plurinational State of), Brazil, Burkina Faso, Comoros, Congo, Democratic Republic of the Congo, Equatorial Guinea, Fiji, Gabon, Guinea, Lesotho, Mozambique, Namibia, Nicaragua, Pakistan, United Republic of Tanzania and Zambia (see A/C.4/64/SR.6).

18. At its 3rd meeting, on 6 October 2009, the Committee heard statements by the following petitioners on the question of Western Sahara: Nancy Huff, Leah Farish, Cynthia Basinet, Cheryl Banda, Janet Lenz, Danica Ruth Stanley, Dan Stanley, Tim Kustusch, Monsignor Jean Abboud, Boi-Tia Stevens speaking on behalf of Ms. Aminatou Haidar, Nina Nedrebo, Rosario García Díaz, Jesus Loza Aguirre, Antonio López Ortiz, Latifa Aït-Baala, Felipe Briones Vives, Smail Debeche, Hassiba Boulmerka, Rafael Esparza Machín, Alouat Hamoudi and Lord Francis Newall (see A/C.4/64/SR.3).

19. At its 4th meeting, on 7 October, the Committee heard statements by the following petitioners on the question of Western Sahara: Bougattaya Sadek, Ahmed Boukhari, Michel de Guillenchmidt, Pedro Pinto Leite, Ahmedou Ould Souilem, Sixto Preira Galeano, Anna Maria Stame Cervone, Erik Jensen, Fernando Fernández Martín, Tanya Warburg, Jean-Yves de Cara, Senia Bachir-Abderahman, Julien Dedenis and Sydney Assor (see A/C.4/64/SR.4).

20. At its 5th meeting, on 8 October, the Committee heard statements by the following petitioners on the question of Western Sahara: Said Ayachi, Nadia Hamoudi, Philippe Elghouayel, Jane Bahaijoub, Agaila Abba Hemeida, Teresa Táboas Veleiro, El Mami Boussif, Jeremy Corbyn, Sahli-Fadel Maya, Cate Lewis, François-Paul Blanc, M'Barka Bouaida, Salek Maoloud Lebaihi, Roman López Villicaña, José Dobovšek, Serge Loungou, Kei Nakagawa, Miquel Carrillo Giralt, Karl Addicks, Fala Boussola, Denis Ducarme, Mohammad Ziyad Al Jabari, Santiago Nsobeya Efuman Nchama, Franz Mekyna, Ahmed Mghizlat, Lorenzo Olarte, Washington Salazar Varela, Tamek Abderrahmane, Roberto Ramon Acevedo Quevedo, Javier Aspuru Oribe and Valentino Perin (see A/C.4/64/SR.5).

21. At its 9th meeting, on 14 October 2009, the Committee had before it a draft resolution entitled "Question of Western Sahara" (A/C.4/64/L.7), submitted by the Chairman (see A/C.4/64/SR.9).

22. At the same meeting, the Committee adopted draft resolution A/C.4/64/L.7 without a vote (see A/64/413, para. 22, draft resolution I).

23. After the adoption of the draft resolution, a statement in explanation of position was made by the representative of Sweden (on behalf of the States Members of the United Nations that are members of the European Union, the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and Armenia, Georgia, Iceland, Liechtenstein, Norway, the Republic of Moldova and Ukraine) (see A/C.4/64/SR.9).

24. At its 62nd plenary meeting, on 10 December 2009, the General Assembly adopted draft resolution I, entitled "Question of Western Sahara", recommended by the Fourth Committee (A/64/413, para. 22), without a vote, as resolution 64/101.

25. In that resolution, the General Assembly supported the process of negotiations initiated by Security Council resolution 1754 (2007) and further sustained by Council resolutions 1783 (2007), 1813 (2008) and 1871 (2009), with a view to achieving a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara, and commended the efforts undertaken by the Secretary-General and his Personal Envoy in that respect. It welcomed the commitment of the parties to continue to show political will and work in an atmosphere propitious for dialogue, in order to enter into a more intensive phase of negotiations, in good faith and without preconditions, taking note of efforts and developments since 2006, thus ensuring implementation of Security Council resolutions 1754 (2007), 1783 (2007), 1813 (2008) and 1871 (2009) and the success of negotiations. It also welcomed the ongoing negotiations between the parties held on 18 and 19 June 2007, on 10 and 11 August 2007, from 7 to 9 January 2008 and from 16 to 18 March 2008 in the presence of the neighbouring countries under the auspices of the United Nations.

26. The General Assembly called upon the parties to cooperate with the International Committee of the Red Cross, and to abide by their obligations under international humanitarian law.

27. The General Assembly requested the Special Committee to continue to consider the situation in Western Sahara and to report thereon to the General Assembly at its sixty-fifth session, and invited the Secretary-General to submit to the General Assembly at its sixty-fifth session a report on the implementation of the resolution.